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PROTECTIVE OPTICS, INC.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

PROTECTIVE OPTICS, INC.,
 a California corporation

Plaintiff,

v.

PANOPTX INC.,
 a California corporation

Defendant.

Case No. C05-02732 CRB

**STIPULATION AND ~~[PROPOSED]~~ ORDER
 TO EXTEND PARTIES' DEADLINES TO
 FILE BRIEFS FOR SUMMARY JUDGMENT
 MOTION AND SANCTIONS MOTION**

Courtroom: 8, 19th Floor
 Before: Hon. Charles R. Breyer

[Trial Date: August 6, 2007]

AND RELATED CROSS-ACTION

1 Plaintiff and Counterclaim-Defendant Protective Optics, Inc. and Defendant and
2 Counterclaimant Panoptx, Inc. (collectively, the “Parties”), by and through their undersigned
3 attorneys, state and agree as follows:

4 Whereas, Protective’s Reply brief in support of its Motion for Partial Summary Judgment on
5 Panoptx’s Seventh Affirmative Defense for Patent Invalidity Under 35 U.S.C. §112 [Docket No. 163]
6 (“Summary Judgment Motion”), set for hearing on June 15, 2007, is currently due to be filed not later
7 than June 1, 2007;

8 Whereas, Panoptx’s Opposition to Protective’s Motion for Sanctions Against Panoptx for
9 Violations of this Court’s February 6 and March 30 Orders Compelling Discovery [Docket No. 168]
10 (“Sanctions Motion”), set for hearing on June 22, 2007, is currently due to be filed not later than June
11 1, 2007;

12 Whereas, at the Parties’ request, a settlement conference has been scheduled in this matter
13 before Judge Chen for June 1, 2007, the same date that the Reply and Oppositions to the Summary
14 Judgment and Sanctions Motions are due, and is expected to last most of the day;

15 Whereas, given the need of the Parties and their counsel to fully participate in the settlement
16 conference, the Parties agree that the due date for Protective’s Reply in support of its Summary
17 Judgment Motion and for Panoptx’s Opposition to the Sanctions Motion should be extended to June
18 5, 2007, and that Protective’s Reply brief in support of its Sanctions Motion should be extended to
19 June 12, 2007;

20 NOW THEREFORE, IT IS HEREBY STIPULATED by and between the Parties, subject to
21 Court approval, as follows, that:

- 22 1. the due date for Protective’s Reply in support of its Summary Judgment
23 Motion and for Panoptx’s Opposition to the Sanctions Motion should be
24 extended to June 5, 2007, and that Protective’s Reply brief in support of its
25 Sanctions Motion should be extended to June 12, 2007.
26
27
28

1 DATED: May 31, 2007

GREENBERG TRAURIG, LLP

2
3 By: /s/ Daniel T. McCloskey
4 Daniel T. McCloskey

5 Attorneys for Plaintiff and Counterclaim-
6 Defendant,
7 **PROTECTIVE OPTICS, INC.**

8 DATED: May 31, 2007

KRIEG, KELLER, SLOAN, REILLEY & ROMAN, LLP

9
10 By: /s/
11 Michael D. Lisi

12 Attorneys for Defendant and Counterclaimant,
13 **PANOPTX, INC.**

14 I, Daniel T. McCloskey, am the ECF User whose ID and password are being used to file this
15 Stipulation and ~~Proposed~~ Order to Stipulation And [Proposed] Order To Extend Parties' Deadlines
16 To File Briefs For Summary Judgment Motion And Sanctions Motion. In compliance with General
17 Order 45, X.B., I hereby attest that Michael D. Lisi has concurred in this filing.

18
19 Dated: May 31, 2007

By: /s/ Daniel T. McCloskey
20 Daniel T. McCloskey

21 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

22
23 Dated: June 1, 2007

